

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 2, ESTABLISHING A RECORDS MANAGEMENT PROGRAM; DESIGNATING A RECORDS MANAGEMENT OFFICER; ESTABLISHING A RECORDS MANAGEMENT COMMITTEE; DEVELOPING A RECORDS MANAGEMENT PLAN; IMPLEMENTING A RECORD CONTROL SCHEDULE AND A DESTRUCTION OF RECORDS SCHEDULE; APPROVING FORM SLR 508 - DECLARATION OF COMPLIANCE AND APPLICABLE RETENTION SCHEDULES, PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Title 6, Subtitle C, Local Government Code Chapter 201 (Local Government Records Act) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the City of Leon Valley desires to adopt an ordinance for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient record keeping; and

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEON VALLEY, TEXAS,

Section 1. Amendment. The City's Code of Ordinances Chapter 1 is hereby amended to add Article 1.13 Records Management as follows:

ARTICLE 1.13 RECORDS MANAGEMENT

Sec. 1.13.001 DEFINITION OF MUNICIPAL RECORDS.

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the City of Leon Valley or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the City of Leon Valley and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

Furthermore, "municipal record" or "public record" is information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with a transaction of official business:

(a) By a governmental body in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

(b) For a governmental body and the governmental body including any electronic communication created, transmitted, received, or maintained on any device, personal or City issued, if the communication is in connection with the transaction of official business:

- (1) Owns the information;
- (2) Has a right of access to the information;
- (3) Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(c) By an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Sec 1.13.002 ADDITIONAL DEFINITIONS.

(a) "Department Director" means the officer who by ordinance or administrative policy is in charge of an office of the City of Leon Valley that creates or receives records.

(b) "Essential Record" means any record of the City of Leon Valley necessary to the resumption or continuation of its operations in an emergency or disaster, to the recreation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

(c) "Permanent Record" means any record of the City of Leon Valley for which the retention period on a records control schedule is given as permanent.

(d) "Records Control Schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the City of Leon Valley, their retention periods, and other records disposition information that the records management program may require.

(e) "Records Liaison Officer" means the person designated under Section 9 of this ordinance.

(f) "Records Management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

(g) "Records Management Committee" means the committee established in Section 6 of this ordinance.

(h) "Records Management Officer" means the person designated in Section 5 of this ordinance.

(i) "Records Management Plan" means the plan developed under Section 7 of this ordinance.

(j) "Retention Period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

Sec 1.13.003 MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY.

All municipal records as defined in Sec. 1 of this ordinance are hereby declared to be the property of the City of Leon Valley. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

Sec 1.13.004 POLICY.

It is hereby declared to be the policy of the City of Leon Valley to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

Sec 1.13.005 DESIGNATION OF RECORDS MANAGEMENT OFFICER.

The City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City of Leon Valley. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

Sec 1.13.006 ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES.

(a) The duties of the Records Management Committee are to:

- (1) Assist the Records Management Officer in the development of policies and procedures governing the records management program;
- (2) Review the performance of the program on a regular basis and

propose changes and improvements if needed;

(3) Review and approve records control schedules submitted by the Records Management Officer;

(4) Give final approval to the destruction of records in accordance with approved records control schedules; and

(5) Actively support and promote the records management program throughout the City.

(b) The Committee shall be composed of each department director and the Records Management Officer.

(c) The Committee will also have two (2) City Council members appointed by the City Council. Each City Council member will serve a one (1) year term with no term limit.

Sec 1.13.007 RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.

(a) The Records Management Officer shall develop a records management plan for the City of Leon Valley for submission to the City Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of the municipality, and to properly preserve those records of the municipality that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.

(b) Once approved by the City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Leon Valley and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or record keeping requirements of a department director do not exempt the department director or the records in the department director's care from the application of this ordinance and the records management plan adopted under it and may not be used by the department director as a basis for refusal to participate in the records management program of the City of Leon Valley.

Sec 1.13.008 DUTIES OF RECORDS MANAGEMENT OFFICER.

In addition to other duties assigned in this ordinance, the Records Management Officer shall:

- (a) Administer the records management program and provide assistance to department directors in its implementation;
- (b) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (c) In cooperation with department directors identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (d) Develop procedures to ensure the permanent preservation of the historically valuable records of the City;
- (e) Establish standards for filing and storage equipment and for record keeping supplies;
- (f) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Leon Valley;
- (g) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
- (h) Disseminate to the City Council and department director's information concerning state laws and administrative rules relating to local government records;
- (i) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the City of Leon Valley are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (j) Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
- (k) Report annually to the City Council on the implementation of the records management plan in each department of the City of Leon Valley, including summaries of the statistical and fiscal data compiled under Subsection (10); and
- (l) Bring to the attention of the City Council non-compliance by department directors or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

Sec 1.13.009 DUTIES AND RESPONSIBILITIES OF DEPARTMENT DIRECTORS.

In addition to other duties assigned in this ordinance, department directors shall:

- (a) Cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Leon Valley for the efficient and economical management of records and in carrying out the requirements of this ordinance;
- (b) Assign a Records Liaison Officer within their department to adequately document the transaction of government business and the services, programs, and duties for which the department directors and his or her staff are responsible; and
- (c) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Leon Valley and the requirements of this ordinance.

Sec 1.13.010 DUTIES AND RESPONSIBILITIES OF RECORD LIAISON OFFICERS.

(a) In addition to other duties assigned in this article, Records Liaison Officers shall:

- (1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (2) In cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the records management program in their departments; and
- (3) Disseminate information to department staff concerning the records management program.

(b) City department directors may choose to act as their own Records Liaison Officer.

Sec 1.13.011 RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE.

- (a) The Records Management Officer, in cooperation with department directors, shall prepare records control schedules on a department by department basis listing all records series created or received by the department and the retention period for each series. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.
- (b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the record keeping procedures and needs of the department and the records management program of the City of Leon Valley.

(c) Before its adoption, a records control schedule or amended schedule for a department must be approved by the department director and the City Council.

(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and state librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and state librarian.

Sec 1.13.012 IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE.

(a) A records control schedule for a department that has been approved and adopted under Section 9 shall be implemented by the department director according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department director requests in writing to the Records Management Officer that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer and from the Records Management Committee.

Sec 1.13.013 DESTRUCTION OF UNSCHEDULED RECORDS.

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

Section 2. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. Conflicts. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. Savings. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final

disposition by the courts.


Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.


Section 7. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 16th day of June 2020.

APPROVED


CHRIS RILEY
MAYOR

Attest :


SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form: City Attorney